

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Medical Review Division regarding a medical fee dispute between the requestor and the respondent named above.

## **I. DISPUTE**

1. a. Whether there should be reimbursement for Range of Motion testing.
- b. The request was received on August 13, 2002.

## **II. EXHIBITS**

1. Requestor, Exhibit 1:
  - a. TWCC 60 and Letter Requesting Dispute Resolution
  - b. HCFA's
  - c. EOB
  - d. Medical Records
  - e. Any additional documentation submitted was considered, but has not been summarized because the documentation would not have affected the decision outcome.
2. Respondent, Exhibit 2:
  - a. TWCC 60 and/or Response to a Request for Dispute Resolution
  - b. HCFA's
  - c. Audit summaries/EOB
  - d. Any additional documentation submitted was considered, but has not been summarized because the documentation would not have affected the decision outcome.
3. Based on Commission Rule 133.307 (g) (4), the Division notified the insurance carrier Austin Representative of their copy of the request on September 11, 2002. The Respondent did not submit a response to the request. The "No Response Submitted" sheet is reflected in Exhibit 2 of the Commission's case file.
4. Notice of Medical Dispute is reflected as Exhibit #3 of the Commission's case file.

### III. PARTIES' POSITIONS

1. Requestor: The requestor states in the correspondence dated August 13, 2002 that...  
 "...On all three dates, range of motion testing (95851) was denied as being included in another procedure on that day. This test is used to evaluate that patient's progress, and to make sure the established treatment protocol will provide the maximum benefit to the patient. This test is administered in our office by a chiropractor, rather than a physical or occupation therapist. TWCC Guidelines allow for this test to be billed and reimbursement separately when a physician or chiropractor administers it. Additionally, E/M Ground rule IV(A)(1) clearly states that if a doctor performs both components of a diagnostic test in the office, the entire test is to be paid in addition to the office visit. All of these have been submitted to the carrier's audit company for reconsideration, yet they chose to ignore the documentation supporting my position and continued to deny these services.
2. Respondent: The respondent states on the initial TWCC-60 that, "Charges reviewed for reconsideration, per clinical practice standards, procedure is incidental to the related primary procedure billed".

### IV. FINDINGS

1. Based on Commission Rule 133.307(d) (1) (2), the only dates of service eligible for review are those commencing on August 9, 2001 and extending through September 6, 2001.
2. The Carrier has denied the range of motion testing as "UJ9 BY CLINICAL PRACTICE STANDARDS, THIS PROCEDURE IS INCIDENTAL TO THE RELATED PRIMARY PROCEDURE BILLED".
3. The following table identifies the disputed services and Medical Review Division's rationale:

DOS	CPT or Revenue CODE	BILLED	PAID	EOB Denial Code(s)	MARS (Maximum Allowable Reimbursement)	REFERENCE	RATIONALE:
08/09/01	95851	\$36.00	\$0.00	UJ9	\$36.00 each	MFG, E/M	Requestor submitted range of motion testing results supporting services were rendered as billed. Reimbursement in the amount of \$108.00 is recommended.
08/23/01	95851	\$36.00	\$0.00	UJ9	extremity x 3 =	Ground Rule (IV)(A)(1)	
09/06/01	95851	\$36.00	\$0.00	UJ9	\$108.00	MFG, MGR (I)(E)(3) CPT descriptor	
<b>Totals</b>		\$108.00	\$0.00				The Requestor is entitled to reimbursement in the amount of <b>\$108.00.</b>

**VI. ORDER**

Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Medical Review Division hereby ORDERS the Respondent to remit \$108.00 plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this Order.

This Order is hereby issued this 10<sup>th</sup> day of February 2003.

Marguerite Foster  
Medical Dispute Resolution Officer  
Medical Review Division

MF/mf